



Area Plan Commission of Tippecanoe County, Indiana

May 18, 2023
Ref. No.: 2023-096

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, Indiana 47901

CERTIFICATION

RE: **Z-2876 CERES SOLUTIONS COOPERATIVE, INC. (AA to I3):**

Petitioner is requesting rezoning of 4.72 acres (*amended from 10 acres by petitioner on 5/08/2023*) located adjacent to the west and south of 601 SR 28 W, approximately 3000' west of US 231 S near Romney, in Randolph 19 (NW) 21-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 17, 2023, the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from AA to I3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at its June 5, 2023 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



David Hittle
Executive Director

DH/kl

Enclosures: Staff Report & Ordinances

cc: Eric Runyan, Ceres Solutions Cooperative, Inc.
Joan M. Pell / Linda Bell POA
Chris Shelmon, Gutwein Law
Mike Wolf, Building Commissioner

Z-2876
CERES SOLUTIONS COOPERATIVE, INC.
AA to I3

Staff Report
May 11, 2023

This case was continued from the March APC meeting at petitioner's request so that a new legal description could be created. The request was reduced from 10 acres to 4.72 acres.

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent from the landowner, Joan Pell, and represented by Eric Runyan of Ceres, is requesting a rezoning of 4.72 acres from AA to I3. The 4.72-acre tract in this request is adjacent to their existing 3.19-acre operation which is located on the south side of SR 28 West immediately west of the CSX rail line. The agricultural fuel storage and distribution center (SIC 598) would be expanded if this rezone is successful. Petitioner intends on combining the existing Crawfordsville and Lafayette operations onto this newly expanded site. The business is located at 601 SR 28 West, Randolph 19 (NW) 21-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The 3.19-acre location of the existing business was rezoned in January 2007 from AA to I3 (Z-2317). AA zoning is located north, west and south and AW zoning can be found to the east. There have been no recent rezones in the immediate area.

AREA LAND USE PATTERNS:

The business stores and distributes fuel in the form of gasoline, diesel, propane and kerosine. The site contains two storage buildings and numerous above-ground storage tanks. The existing driveway and parking areas are graveled. Paving is not required in the AA zone; however, paving is required in the I3 zone. Petitioner will need to either bring the existing site into conformance or receive a variance from the Area Board of Zoning Appeals to not require paving.

Farm fields dominate the area surrounding the site. A cell tower is located just northeast of the site. Large lot residences are located east across the railroad tracks towards the town of Romney with the nearest residence over 400 feet away.

TRAFFIC AND TRANSPORTATION:

State Road 28 is classified as a rural secondary arterial. Any change in the driveway may require approval from the Indiana Department of Transportation.

Paving is required in the I3 zone for driveways, maneuvering aisles and parking spaces. Parking standards for this use require 1 space per employee on the largest shift, plus 1

space per 200 square feet of office, sales or similar floor area. Sufficient area exists to meet the parking standard.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The Health Department has no record of a septic system on-site and it has received no complaints regarding the use of a septic system.

The zoning ordinance requires a "type c" bufferyard, 30 feet in width, where I3 zoning abuts AA zoning. This was a requirement in 2007 when the site was improved but no record exists of the bufferyard being installed and no variance was ever filed.

STAFF COMMENTS:

This site has an interesting history. The earliest zoning maps show an area of approximately $\frac{1}{4}$ of a square mile with industrial zoning centered around the intersection of SR 28 and the railroad. Then in 1985 a township-wide rezone was done changing the zoning to AA. This was done for three reasons: 1.) there was no industrial land uses in the area at the time with staff noting only the presence of a grain elevator, 2.) the soils in this area are highly productive warranting the AA zoning designation, and 3.) under the old zoning ordinance, this use (SIC 598- fuel dealers) was permitted by special exception in the AA zone. (Today this use is only permitted by right in the I2 and I3 zones.)

Then, in 2006, a portion of the land (3.19 acres) was rezoned to I3 to allow the site to be used for a fuel storage and distribution center. Staff was able to support that request noting the property's history as an agri-business for chemical storage and distribution and its relatively small size for an industrial user.

Now petitioner is wishing to expand the site with 4.72 acres (to be added to the existing 3.19-acre site) which will accommodate a new office, a shop building and possibly more LP storage tanks. Staff understands that only 3 or 4 acres of land is needed for this proposed expansion. While staff agrees that this business at this location on both a state highway and railroad tracks, surrounded by farmland makes sense, staff was concerned about preserving highly productive farmland and feared rezoning 10 acres may someday result in the entire acreage being taken out of farming. Rezoning only the 3-4 additional acres needed, instead of the original ten-acre request, is supportable to staff.

STAFF RECOMMENDATION:

Approval

ORDINANCE NO. 2023-14-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM AA TO I-3

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF TIPPECANOE, INDIANA:

Section 1: The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Randolph Township, Tippecanoe County, Indiana

See Exhibit A

Section 2: The above-described real estate should be and the same is hereby rezoned from AA to I-3.

Section 3: This ordinance shall be in full force and effect from and after its adoption.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe
County, Indiana, this 5th day of June, 2023.

VOTE:

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Tracy Brown
Tracy Brown, President

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Thomas Murtaugh
Thomas Murtaugh, Vice President

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David Byers
David Byers, Member

ATTEST:

Jennifer Weston
Jennifer Weston, Auditor

Exhibit A

Part of the Northwest Quarter of Section 19, Township 21 North, Range 4 West,
Randolph Township, Tippecanoe County, Indiana More particularly described as follows:

Commencing at the North Quarter corner of said Section 19 located on the approximate centerline of State Road 28 and marked by a monument set in concrete; thence South $89^{\circ} 55' 11''$ West along the North line of said Section 19 and the approximate centerline of State Road 28, a distance of 730.67 feet; thence South $01^{\circ} 26' 47''$ East, a distance of 30.01 feet to the Southern Right of Way of State Road 28 and Point of Beginning; thence South $89^{\circ} 55' 11''$ West along the Southern Right of Way of State Road 28, a distance of 433.27 feet; thence South $01^{\circ} 26' 47''$ East, a distance of 475.19 feet; thence North $89^{\circ} 55' 11''$ East, a distance of 433.27 feet; thence North $01^{\circ} 26' 47''$ West, a distance of 475.19 to the Southern Right of Way of State Road 28 and the Point of Beginning containing 4.72 acres more or less.